

LIC 12/24/97  
#35436**AGREEMENT**

AGREEMENT made this 9th day of December, 1997, by and between OFY, L.L.C. (the Applicant) and Advisory Neighborhood Commission 3-C (the ANC).

**WITNESSETH:**

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board (ABC) is Applicant's application for a new Class CR license for premises ~~3435 Connecticut Avenue~~, Washington, D.C., ABC Application No. ~~11111~~; and

WHEREAS, premises 3435 Connecticut Avenue, N.W., is within the jurisdictional boundaries of the ANC; and

WHEREAS, the parties desire to enter into an agreement enumerating certain understandings regarding Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises above recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant agrees that it will sell beer and wine, and use alcohol only in the preparation of mixed specialty drinks, such as daiquiris, margaritas, pina colada, but not including drinks such as scotch and soda, seven and seven, bourbon and ginger ale, vodka and tonic. Applicant agrees that it will not sell alcohol in a different form without first requesting ANC 3C to amend this Agreement. No alcoholic drinks will be served for carryout.

2. The restaurant will direct that an employee, on a regular basis, at least two times a day (with one of the two times either at the close of business or early morning) pick up trash from the restaurant and immediately in front of the restaurant premises (both Connecticut Avenue and Ordway Street). Should the restaurant's trash become problematic in the view of the ANC, the restaurant will meet with the ANC to discuss increased frequency of trash pickups and other measures to eliminate odors, rodents, unsightliness, etc.

3. In the event Applicant desires to open a sidewalk cafe, then Applicant must comply with all requirements of the District of Columbia and file for said approval with the District of Columbia Government, with opportunity for ANC-3C to comment.

4. Nothing contained in this Agreement conveys the ANC's support at this time for any zoning or HPRB approvals that may be separately required by law.

5. In consideration of, and in reliance upon the above, this ANC will advise the ABC Board that it does not object to the Applicant's pending license application.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above-written.

APPLICANT: OFY, L.L.C.

By: 

Jerome Friedlander  
Managing Member

ANC 3-C

By: 

Phil Mendelson, Chairman